

**REMARKS**

Claims 1-29 and **new claim 33** are pending. Claims 30-32 are canceled.

Applicant respectfully requests the Examiner to reconsider and withdraw the rejection of claims 1-29 under 35 U.S.C. § 112, second paragraph, in view of the above corrective amendments.

a. Applicant respectfully submits that "gas" and "vapor" are synonyms. A definition of "condense" is "To reduce (a gas) to a liquid or, sometimes, solid form"; the American Heritage Desk Dictionary, Houghton Mifflin Company, page 217, 1981.

b. Apparatus for concentrating and condensing in the same tank is illustrated in Applicant's Figs. 1 and 2.

c. The claims have been amended to correct the alleged impropriety of reciting "said flash nozzle" when referring back to said "at least one flash nozzle".

d. Claim 21 has been amended to correct any ambiguity in the two mentioned solutions.

e. The "other solutions" of claims 25 and 26 are the "plural dopes" described in the specification at page 23, lines 23-25, for example. In claim 7, "predetermined" has been changed to "constant" to conform it to the specification at page 5, line 6.

f. Claim 27 has been amended to delete the objectionable parenthetical expression.

g. Claims 24, 28, and 29 have been amended to place them in more traditional U.S. format for method/process claims.

h. Claims 22 and 23 have been amended as suggested by the Examiner.

Claim 1 stands rejected under 35 U.S.C. § 103 as being unpatentable (obvious) over Williams '341 in view of Kunst '471.

Claims 2-9, 11-26, 28 and 29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Williams in view of Kunst and further in view of Lazet '990.

Applicant notes the allowability of **dependent claims 10 and 27 if they are rewritten in independent form**. These claims 10 and 27 have been so written and now should be **allowed**.

The rejection of claim 1 under 35 U.S.C. § 103(a) has effectively been rendered moot in view of the amendment to claim 1 to contain the limitation of claim 2.

Therefore, there remains for consideration the rejection of claims 2-9, 11-26, 28 and 29 under 35 U.S.C. § 103(a).

The above amendment of claim 1 (with the cancellation of claim 2) in effect renders the amended claim 1 equal to claims 1 + 2.

Applicant respectfully submits that the cited references, taken alone or in any combination, do not teach, or even suggest, the claim 2 feature of amended claim 1.

More specifically, the amended claim 1 requires that the inner surface of the roof disposed on the tank body is "inclined". But the roof (20) of Lazet is **not inclined** (Fig. 1). And further, even if the inclined baffle member (16) of Lazet were considered to correspond to the "roof" the present invention, the condensation occurs in the condensation zone (26) so that the inclined baffle member (16) does not recover the solvent gas, and the condensation does not occur there.

With respect to claim 3, the claimed "gutter" is different from the liquid drain means (30) of Lazet (Fig. 1). The solvent condensed on the inside of the claimed "roof" flows downwardly and is recovered by the "gutter". Lazet and the other references do not teach, or even suggest, this structure and function.

As far as the new claim 33 is concerned, it should be allowable for the same reason as its amended parent claim 1 is allowable. In addition, the claimed "grooves" in the "inclined inner surface of said roof" (55a in Applicant's Fig. 2) permit the condensed solvent to be recovered, without falling into the flashing portion, by surface tension of the condensing surface (specification, page 17, lines 12-18). The references do not teach or suggest this structure and function.

This rejection includes the original claim 6 (6/5/4/3/2/1).

In the statement of the rejection under 35 U.S.C. § 103(a), appearing on page 5 of the Office Action, the Examiner notably **omits** any reference to claim 6, *per se*, or the limitations contained therein.

Applicant has amended claim 6 so that it is now equal to original claims 1 + 6.

Even assuming, *arguendo*, that the Examiner's broad characterizations of the disclosures of Williams, Kunst and Lazet '990 are accurate, none of these references discloses, or even suggests, alone or in combination, the amended claim 6 limitation, "said at least one flash nozzle is disposed under a liquid surface of said solution in said concentrating tank so as to discharge a fresh solution into said concentrated solution".

Therefore, since the combined teachings of the three references cited by the Examiner do not teach or even suggest the above quoted limitation of the amended claim 6, Applicant respectfully submits that the Williams/Kunst/Lazet combination is **incapable of rendering obvious** the subject matter of the amended claim 6, whereby, Applicant respectfully requests the Examiner to reconsider and withdraw the rejection of claim 6 under 35 U.S.C. § 103(a).

In summary, in view of the above amendments and arguments, Applicant respectfully requests the Examiner to reconsider and withdraw the rejections under 35 U.S.C. §§ 103(a), 101, and 112, second paragraph, and to find the application to be in condition for allowance with all of claims 1, 3-29 and 33; however, if for any reason the Examiner feels that the application is not now in condition for allowance, she is respectfully requested to **call the undersigned attorney** to discuss any unresolved issues and to expedite the disposition of the application.

Filed concurrently herewith is an Excess Claim Fee Payment Letter (with fee) to cover the cost of the one excess independent claim generated by this Amendment.

Also filed concurrently herewith a Petition (with fee) for an Extension of Time of one month. Applicant hereby petitions for any extension of time which may be required to maintain the pendency of this application, and any required fee for such extension is to be charged to

AMENDMENT UNDER 37 C.F.R. §1.111  
U.S. Appln. No. 10/634,848

Deposit Account No. 19-4880. The Commissioner is also authorized to charge any additional fees under 37 C.F.R. § 1.16 and/or § 1.17 necessary to keep this application pending in the Patent and Trademark Office or credit any overpayment to said Deposit Account No. 19-4880.

Respectfully submitted,

/John H. Mion/  
John H. Mion  
Registration No. 18,879

SUGHRUE MION, PLLC  
2100 Pennsylvania Avenue, N.W.  
Washington, D.C. 20037-3213  
(202) 663-7901

WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER

Date: August 30, 2006